

REMARKS

Reconsideration of the rejections set forth in the Office Action mailed July 22, 2003, is respectfully requested. Claims 1, 14, 21, and 28 have been amended. Claims 5-6, 18-19, 25-26, and 35 have been canceled. Claims 1-4, 7-17, 21-24, 28-39, and 67-89 remain pending. Support for the amendments can be found in the specification at, e.g., original claims 5-6, 18-19, 25-26, and 35 and page 6, lines 18-20; page 7, line 19 – page 8, line 5; page 10, lines 12-18; page 20, lines 4-17; page 37, line 25 – page 38, line 23; page 40, lines 6-9; and page 41, lines 14-24.. Therefore, these amendments have been made without the addition of new matter.

35 U.S.C. § 112

Claims 6, 19, 26, and 80 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. In particular, the examiner alleges that there is no written basis for generic pH change via electronic potential for acidic or basic conditions. Applicants respectfully disagree. Support can be found in the specification at, e.g., page 6, lines 18-20; page 7, line 19 – page 8, line 5; page 10, lines 12-18; page 20, lines 4-17; page 37, line 25 – page 38, line 23; page 40, lines 6-9; and page 41, lines 14-24. Therefore, Applicants respectfully request withdrawal of the rejection and reconsideration of the claims.

Claims 1-13, 15-19, 22-26, 29-39, and 67-89 were rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter that applicants regard as the invention. Applicant has amended claim 1, 14, 21, and 28 to recite “A microarray comprising” Therefore, applicants respectfully request withdrawal of the rejection and reconsideration of the claims as amended.

Art Rejections

Claims 1-3, 7-16, 21-24, 67, 69, 72, 73, 75, 81, 82, 84, and 87-89 were rejected under 35 U.S.C. § 102(b) and (e)(2) as being allegedly anticipated by Heller et al. (U.S. Patent No. 5,632,957). Claims 1-5, 7-18, 21-24, 28-34, 38, 67, 69, 72, 73, 75, 81, 82, 84, and 87-89 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Heller et al. (U.S. Patent No. 5,632,957), taken in view of Meade et al. (U.S. Patent No. 5,770,369). Claims 1-5, 7-18, 21-25, 28-34, 38, 67, 69, 72, 73, 75, 81, 82, 84, and 87-89 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Heller et al. (U.S. Patent No. 5,632,957), taken in view of Meade et al. (U.S. Patent No. 5,770,369), taken in further view of Dorner et al. (U.S. Patent No. 6,121,489).

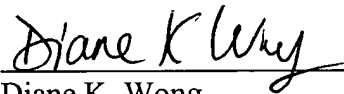
Claims 1, 14, and 21 are amended to specify that “*R requires activation by either basic or acidic conditions, and wherein the basic or acidic condition necessary to activate R may be produced by applying an electronic potential at at least one electrode of the microarray,*” thereby incorporating dependent claims 5 and 6; 18 and 19; and 25 and 26 with their respective independent claims. Claim 28 has been amended to incorporate dependent claim 35, specifying that “*the acidic or basic conditions are produced by a method selected from the group consisting of contacting the electronic microarray with a buffer of the appropriate pH, applying an electronic potential at at least one electrode of the electronically addressable microarray to alter the pH, and a combination of the two methods.*” None of the cited references teach or suggest all of the limitations of the claims as currently amended. Therefore, Applicants respectfully request withdrawal of the rejections and reconsideration of the claims as currently amended.

For all the foregoing reasons, Applicants assert the claims are in condition for allowance. Favorable action on the merits of the claims is therefore earnestly solicited. If any issues remain,

please contact Applicants' undersigned representative at (949) 737-2900. The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account No. 50-0639.

Respectfully submitted,
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